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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

2006 FEB -9 P 2:36

JEFF HATCH-MILLER, Chairman  
WILLIAM A. MUNDELL  
MARC SPITZER  
MIKE GLEASON  
KRISTIN K. MAYES

AZ CORP COMMISSION  
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF  
JOHNSON UTILITIES COMPANY, L.L.C. FOR  
EXTENSION OF ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY.

DOCKET NO. WS-02987A-05-0695

PROCEDURAL ORDER

**BY THE COMMISSION:**

On October 3, 2005, Johnson Utilities Company, L.L.C. ("JUC" or "Company") filed with the Arizona Corporation Commission ("Commission") an Application for an extension of its existing Certificate of Convenience and Necessity ("CC&N") to provide water and wastewater service to areas encompassing developments known as Silverado Ranch and Skyline View Estates.

On November 2, 2005, the Commission's Utilities Division Staff ("Staff") filed an Insufficiency Letter listing the areas in the application that Staff determined did not meet the sufficiency requirements set forth in the Arizona Administrative Code ("A.A.C.").

JUC submitted additional information and documentation in support of its application on December 16, 2005.

On February 8, 2006, Staff filed a Sufficiency Letter pursuant to A.A.C. R14-2-411(C) and R14-2-610(C).

IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall commence on **April 24, 2006, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before April 3, 2006.

IT IS FURTHER ORDERED that objections to any motions to intervene must be filed on or before April 17, 2006.

IT IS FURTHER ORDERED that JUC shall provide public notice of the hearing in this

1 matter, in the following form and style, with the heading in no less than 12 point bold type and the  
2 body in no less than 10 point regular type:

3 **PUBLIC NOTICE OF HEARING ON THE**  
4 **APPLICATION OF JOHNSON UTILITIES COMPANY, L.L.C.**  
5 **FOR AN EXTENSION OF ITS EXISTING CERTIFICATE OF**  
6 **CONVENIENCE AND NECESSITY FOR WATER AND WASTEWATER SERVICE**  
7 **(Docket No. WS-02987A-05-0695)**

8 On October 2, 2005, as subsequently amended, Johnson Utilities Company, L.L.C.  
9 ("JUC") filed an Application with the Arizona Corporation Commission ("Commission")  
10 for an extension of its existing Certificate of Convenience and Necessity to provide water  
11 and wastewater service to developments known as Silverado Ranch and Skyline View  
12 Estates. If the Application is granted, JUC would be the exclusive provider of water and  
13 wastewater service to the areas identified in the Application, and would be required by  
14 the Commission to provide service under rates and charges and terms and conditions  
15 established by the Commission. The Application is available for inspection during  
16 regular business hours at the offices of the Commission in Phoenix, at 1200 West  
17 Washington Street, Phoenix, Arizona, and at the offices of the Company, [insert address]  
18 and on the internet via the Commission website ([www.azcc.gov](http://www.azcc.gov)) using the e-docket  
19 function.

20 The Commission will hold a hearing on this matter beginning **April 24, 2006, at 10:00**  
21 **a.m.**, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.  
22 Public comment will be taken on the first day of the hearing.

23 The law provides for an open public hearing at which, under appropriate circumstances,  
24 interested parties may intervene. Intervention shall be permitted to any person entitled by  
25 law to intervene and having a direct and substantial interest in the matter. Persons  
26 desiring to intervene must file a written motion to intervene with the Commission, which  
27 motion should be sent to the Applicants or its counsel and to all parties of record, and  
28 which, at the minimum, shall contain the following:

1. The name, address, and telephone number of the proposed intervenor and  
of any party upon whom service of documents is to be made if different  
than the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding  
(e.g., a customer of the Applicants, a shareholder of the Applicants, etc.).
3. A statement certifying that a copy of the motion to intervene has been  
mailed to the Applicants or their counsel and to all parties of record in the  
case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that  
all motions to intervene must be filed on or before April 3, 2006. The granting of  
intervention, among other things, entitles a party to present sworn evidence at hearing  
and to cross-examine other witnesses. Failure to intervene will not preclude any potential  
customer from appearing at the hearing and making a statement on such person's own  
behalf. You will not, however, receive any further notice of the proceeding unless  
requested by you.

The Commission does not discriminate on the basis of disability in admission to its public  
meetings. Persons with a disability may request a reasonable accommodation such as a

sign language interpreter, as well as request this document in an alternative format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-3931, E-mail Lhogan@admin.cc.state.az.us. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that JUC shall publish notice of the Application in a newspaper of general circulation in the proposed extension area and shall mail to each property owner in the requested extension area a copy of the above notice by March 13, 2006.

IT IS FURTHER ORDERED that JUC shall file certification of mailing/publication as soon as practical after the mailing has been completed but not later than April 3, 2006.

IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing/publication of same, notwithstanding the failure of an individual to read or receive the notice.

IT IS FURTHER ORDERED that Staff shall file a Staff Report by April 3, 2006.

IT IS FURTHER ORDERED that JUC shall file any objections to the Staff Report by April 17, 2006.

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized Communications) applies to this proceeding as the matter is now set for public hearing.

IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

Dated this 9<sup>th</sup> day of February, 2006



DWIGHT D. NODES  
ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered  
this 9<sup>th</sup> day of Feb, 2006 to:


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5 Phoenix, AZ 85007

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9 1200 West Washington  
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11 ARIZONA REPORTING SERVICE, INC.  
12 2627 N. Third Street, Ste. Three  
13 Phoenix, Arizona 85004-1104

14 By:   
15 Molly Johnson  
16 Secretary to Dwight D. Nodes  
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